

Article 9.

GENERAL REGULATIONS

SECTION 9.0 PURPOSE:

General regulations shall apply to all zoning districts.

SECTION 9.1 REDUCTION IN BUILDING SITE AREA:

Except as herein provided, no lot, in any zone, may be reduced in area below the minimum lot area as specified herein for the zone within which said lot is located, except where such reduction has been brought about by the expansion or acquiring of rights-of-way for a street. If, however, by some means (e.g., misinterpretation of law, erroneous lot descriptions, etc.) the lot area is reduced below the minimum required lot area as specified herein for the zone, all of the uses and structures contained on the remaining portion of the area shall be subject to compliance with all other provisions of this ordinance. In the event that the uses and structures cannot comply in such circumstances, the property owner shall seek relief from the board of adjustment, as provided for in Section 18.5 of this ordinance.

SECTION 9.2 INTERFERENCE WITH TRAFFIC SIGNALS:

No sign, structure, tree, planting, or vegetation or any portion thereof shall protrude over or into any street so as to create confusion around, or otherwise interfere with, traffic signals of any kind.

SECTION 9.3 VISION CLEARANCE AT CORNERS, CURB CUTS, AND RAILROAD CROSSINGS:

No type of structure, vehicle, tree, planting, vegetation, sign, or fence, or any type of obstacle or any portion thereof shall be placed or retained in such a manner which would create a traffic hazard or would obstruct the vision clearance at corners, curb cuts, or railroad crossings in any zone.

SECTION 9.4 FRONTAGE ON CORNER LOTS AND DOUBLE FRONTAGE LOTS:

On lots having frontage on more than one street, the minimum front yard depth shall be provided for each street, in accordance with the provisions of this ordinance.

SECTION 9.5 UTILITIES LOCATION:

Electrical transformer stations, gas regulator stations, sewage and water treatment plants, pumping stations, standpipes for public water supply and other similar utility uses may be located in any zone subject to the approval of the board of adjustment, as set forth in Section 9.14 of this ordinance. The location of such facilities shall be in accordance with Kentucky Revised Statutes, and all other pertinent regulations, and the following requirements:

- A. Such facilities shall be essential for the immediate area or for the proper functioning of the total utility system of which the element is a part.

- B. A building or structure, except an enclosing fence, shall be set back at least fifty (50) feet from any property line.
- C. A protective fence as regulated by Article 13 shall enclose such facilities.
- D. Open spaces on the premises shall be suitably landscaped and maintained and a screening area according to Section 9.18 of this ordinance may be required in and along any yard.
- E. The storage of vehicles and equipment on the premises, unless enclosed or screened, shall be prohibited.
- F. The surrounding area shall not be adversely affected by, and shall be protected from noise, odor, glare, dust, gas, smoke, and vibration by such suitable means and conditions as the board of adjustment may specify.

SECTION 9.6 RAILROAD RIGHTS-OF-WAY LOCATION:

Railroad rights-of-way, exclusive of such uses as marshaling yards, spur lines, passenger and freight terminals, maintenance shops, fueling facilities and round houses, may be located in any zone of this ordinance providing said railroad rights-of-way meet the requirements of those sections of the Kentucky Revised Statutes and other pertinent state regulations.

SECTION 9.7 EXCAVATION, MOVEMENT OF SOIL, TREE REMOVAL, AND EROSION AND SEDIMENTATION CONTROL:

- A. No governmental entity or other person or entity shall strip, excavate, fill, or otherwise move soil, trees, or other vegetation except for minor changes such as: the filling of small depressions, removal of vegetation which is diseased or endangering the public safety, etc. without first insuring that all requirements of the Subdivision Regulations have been fulfilled and then obtaining a zoning permit from the Office of the Grant County Planning Commission.
- B. The zoning administrator may issue the required permit after determining that the resulting change in grade or removal of trees and other vegetation in the affected area will be in conformance with all applicable provisions of this ordinance. The provisions of this section shall not be construed to prohibit normal excavation or grading incidental to the construction or alteration of a building on the premises for which a building permit has been granted as required otherwise in this ordinance.
- C. Erosion and Sedimentation Control: Erosion and sedimentation controls for excavation, movement of soil, and tree removal, shall be planned and applied according to the following:
 - 1. The smallest practical area of land shall be exposed at any one time during development.
 - 2. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
4. Sediment basins (debris basins or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
5. Provisions shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development.
6. Permanent final vegetation and structures shall be installed as soon as practical in the development.
7. The development shall be fitted to the topography and soils so as to create the least erosion potential.
8. Wherever feasible, natural vegetation shall be retained and protected.

SECTION 9.8 UNSIGHTLY OR UNSANITARY STORAGE: No rubbish, salvage materials, junk, inoperable vehicles or miscellaneous material shall be openly stored or kept in the open and weeds shall not be allowed to go uncut within any zones when the same may be construed to be a menace to public health and safety by the appropriate health department, or have a depressing influence upon property values in the neighborhood, in the opinion of zoning administrator and the zoning administrator shall take the necessary action to inform the legislative body to either directly bill said person or persons for the cost of removing of rubbish, salvage material and cutting of weeds, or have the cost of such labor for removing same attached to and made a part of said person or persons' tax bill. Salvage and junkyards, where permitted in this ordinance, shall be adequately enclosed with a solid fence or wall, as regulated by Article 13 and a approved permanent planting screen may be required as regulated in Section 9.18 of this ordinance.

SECTION 9.9 AUTOMOBILE WRECKING, SALVAGE, AND JUNKYARDS:

Owing to the environmental consequences and potential impact of automotive wrecking, salvage, and junkyards, such uses shall be permitted only as a conditional use (a permit must be obtained) in any zone and authorization is obtained (where appropriate) from the Kentucky Highway of Transportation, Bureau of Highways, in accordance with KRS 177.905 and 177.950. Any person or persons storing any salvage materials in the open or operating any junkyards shall be served notice in which to comply fully with the above regulations. Failure to do so will constitute a violation punishable as prescribed by this ordinance. Any permitted junkyard must adhere to the following guidelines:

- (a) Such uses shall be located no closer than 2,000 feet from the centerline of any road, residential use, church, school, historical place or public park.
- (b) No rubbish, junk, salvage, or miscellaneous material, because it is discarded and incapable of being reused in some form, shall be placed in open storage.
- (c) All salvage materials and activities involving the same other than loading and unloading shall be within fully enclosed buildings. Enclosed buildings must be permanent structures where the original and intended use is for storage only
- (d) The surrounding area shall not be adversely affected by, and shall be protected from noise, odor, glare, dust, gas, smoke, and vibration.

- (e) All non salvage materials not within fully enclosed buildings shall be enclosed by a screening structure with the following screening requirements:
 - 1. Completed screening shall be completely hide all junked, wrecked or inoperable vehicles, machinery and materials from the view of the traveling public on all roads and neighboring properties.
 - 2. Materials for screening shall present an attractive appearance. No wrinkled or bent metal will be accepted.
 - 3. Piecing out of metal or wood panels or patchwork type screening will not be acceptable.
 - 4. Unless a continuous overall neat design is created, all metal and wood panels must be erected vertically.
 - 5. Fencing/Screening shall be uniform in height and alignment while blending with the surrounding area as much as possible.
 - 6. A buffer yard, which is suitably landscaped and maintained, shall be required.

SECTION 9.10 HOME AUTO REPAIR AND SALES:

- a. Only minor repairs and maintenance (of licensed and running vehicles owned by a resident of the home) may be performed.
- b. The sale of automobiles at a place of residence shall be restricted to no more than one (licensed and operational) vehicle at a time and no more than two (2) vehicle per calendar year.

SECTION 9.11 APPLICATION OF ZONING REGULATIONS:

- A. Except as provided within the text, every structure hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one (1) principal building and permitted accessory structure on one (1) lot, nor shall any building be erected on any lot which does not abut a public right-of-way. An accessory structure does not include a place of residence.
- B. Permitted Obstructions in Minimum Required Yards: Except as herein provided, the following shall not be considered to be obstructions when located in the required minimum yards specified:
 - 1. In All Minimum Required Yards - Driveways providing they are not closer than two (2) feet to the property line to which they run approximately parallel to steps four (4) feet or less above grade projecting not more than four (4) feet into the minimum required yards which are necessary for access to a lot from a street or alley; fire escapes and chimneys projecting not more than eighteen (18) inches into the minimum required yards; arbors and trellises; flag poles; bird baths; trees; plants; shrubbery; ornaments; utility poles and wires; and outdoor furniture; fences and walls, subject to the requirements in Article 13; and off-street parking as provided for in Article 11 of this ordinance.

2. In Minimum Front Yard Depths - Bay windows projecting three (3) feet or less into the minimum required yard; overhanging eaves and gutters projecting not more than three (3) feet into the minimum required front yard; window air conditioning units; and awnings and canopies extending not more than three (3) feet into the minimum required front yard.
 3. In Minimum Rear Yard Depths - Bay windows, overhanging eaves, and gutters, and air conditioning equipment projecting not more than three (3) feet into the minimum required rear yard; awning and canopies provided they not extend more than ten (10) feet into the minimum required rear yards.
 4. In Minimum Side Yard Width - Window air conditioning units and overhanging eaves and gutters projecting not more than eighteen (18) inches into the minimum required side yard, awnings and canopies providing that they extend not more than two (2) feet into the minimum required side yard.
- C. Driveway permits shall be required for all residential, commercial and industrial construction or reconstruction on any publicly maintained right-of-way. These driveways shall have the following requirements:
1. Each new driveway shall meet the minimum design standards and sight distance requirements set forth by the applicable highway, city street and/or road department. However; in no case shall the minimum distance for a new driveway be less than three hundred (300) from the nearest existing driveway.
 - a. An applicant may request a waiver or reduction in distance of this requirement if detailed engineering is provided to the office of the Grant County Planning Commission that to meet this requirement would be physically impossible or financially impractical and receives a dimensional variance in accordance with Article 18 of this Ordinance.
 2. A driveway permit shall be required for any change in land use, zoning or building construction or reconstruction in every zone.

SECTION 9.12 SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS:

Home occupations shall include the use of the premises for services rendered other than by direct contact with customers at that location (for example, where the bulk of the business is by telephone - actual work is performed in home and customer is contacted in other than that location). Group Day Care is permitted for up to three (3) persons without obtaining a conditional use permit. The following requirements shall apply to home occupations when permitted herein:

- A. No persons other than members of the family residing in the premises shall be engaged in such operation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than twenty-five

(25) percent of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.

- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling unit, except that a name plate as regulated by Article 14 of this ordinance, shall be permitted.
- D. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- E. No equipment or process which creates noise, vibration, flare, fumes, odors, or electrical interference detectable to the normal senses off the lot shall be used in such home occupation. In the case of electrical interference, no equipment or process, which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises, shall be used.
- F. Where applicable, a conditional use permit, as regulated by Article 9, Section 9.15 of this Ordinance, shall be required for all home occupations.
- G. A zoning permit must be obtained for any home occupation; each home occupation must provide proof of purchase of any and all applicable business license permits from the appropriate legislative body.

SECTION 9.13 NON-CONFORMING LOTS, NON-CONFORMING USES, NON-CONFORMING STRUCTURES, REPAIRS AND MAINTENANCE AND NON-CONFORMING SIGNS:

A. NON-CONFORMING LOTS OF RECORD:

- 1. Any lot of record, as defined herein, which does not meet the requirements of this ordinance, shall be considered a non-conforming lot of record.
- 2. In any case where a lot of official record or a lot which has received preliminary plat approval by the Planning Commission, at the date of the adoption or amendment of this Zoning Ordinance does not conform to the width, depth, or area requirements of this Zoning Ordinance with respect to such lots, it shall be considered a legal non-conforming lot. Such lots may be reasonably used as a building site within the zoning district involved without requiring a dimensional variance.
- 3. Where a single non-conforming lot of record exists having a lot area less than required by the particular zone district wherein said lot is located, development may be permitted on the lot, provided: the lot is located on an existing and improved public street; the lot is of separate ownership from all adjacent and contiguous parcels; the adjacent and contiguous parcels exist as developed building lots or dedicated street right-of-ways precluding acquisition of additional area to achieve conformity; and development proposed on the lot

is in conformance with all other requirements of this ordinance. Where a dimensional variance from any minimum yard, setback, etc. is necessary to develop on said lot, an application for dimensional variance shall be submitted for review and approval by the board of adjustments in accordance with Article 18 of this ordinance.

4. No non-conforming lot of record, as defined herein, may be subdivided into smaller parcels than currently exist at the time of the passage of this Ordinance unless all the provisions of this Ordinance have been met.

B. NON-CONFORMING USES:

1. CONTINUANCE: Except as herein provided, the lawful use of any structure or land existing at the time of the adoption of this ordinance may be continued although such use does not conform to the provisions of this ordinance—it shall become a legal non-conforming use. Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of (10) ten years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall also be deemed a legal non-conforming use. However, no non-conforming use or structure may be enlarged or extended beyond its area of use at the time it becomes a legal non-conforming use, unless and until the use is brought into conformance with all provisions of this ordinance.
2. CHANGE FROM ONE NON-CONFORMING USE TO ANOTHER: As regulated by Article 18, Section 18.6, D, of this ordinance.
3. TERMINATION: In all cases, the board of adjustments shall hold a public hearing in accordance with the applicable requirements of Section 18.2 of this ordinance. Following that hearing, the board may terminate the right to operate a non-conforming use based on any of the following conditions, and if the decision is to do so, the board shall state its bases, in writing, for such determination.
 - a. Non-operative, non-used, or abandoned for a period of twelve (12) consecutive months providing that the board of adjustments may allow the continuation of such non-conforming use if it is determined that reasons for such nonuse were beyond the owners/operators control.
 - b. Whenever the structure, in which the non-conforming use is operated, is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure in which the non-conforming use is operated and a determination is made by the board of adjustments that this structure should not be reconstructed.
 - c. Whenever the structure, in which the non-conforming use is operated, becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the market value of such structure as of the date of the official order under the applicable ordinance and a

determination is made by the board of adjustments that this structure should not be reconstructed.

- d. Whenever said non-conforming use is determined to be detrimental or injurious to the public health, safety, or general welfare.

- 4. ZONE CHANGE: The foregoing provisions shall apply to uses, which become legally non-conforming due to zone changes, which take place thereafter.

C. NON-CONFORMING STRUCTURES:

- 1. CONTINUANCE: Except as herein provided, any lawful non-conforming structure existing at the time of adoption of this ordinance, may be occupied, operated, and maintained in a state of good repair, but no non-conforming structure shall be enlarged or extended unless the enlargement or extension can be, and is, made in compliance with all of the provisions of this ordinance.
- 2. TERMINATION: In all cases the board of adjustments shall hold a public hearing in accordance with the applicable requirements of Section 18.2 of this ordinance. Following that hearing, the board may terminate the right to operate a non-conforming structure based on any of the following conditions, and if the decision is to do so, the board shall state its bases, in writing, for such determination.
 - a. Whenever the non-conforming structure is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure and the board of adjustments makes a determination that the structure should not be reconstructed.
 - b. Whenever the non-conforming structure becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such non-conforming structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the market value of such non-conforming structure as of the date of the official order under the applicable ordinance and a determination is made by the board of adjustments that the structure should not be reconstructed.
 - c. Whenever said non-conforming structure is determined to be detrimental or injurious to the public health, safety, or general welfare.
- 3. ZONE CHANGE: The foregoing provisions shall apply to structures, which become legally non-conforming due to zone changes, which take place thereafter.

- D. REPAIRS AND MAINTENANCE: On any building devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement or nonbearing walls, fixtures, wiring, or plumbing provided that the cubic content of the building, as it existed at the time of passage or amendment of this ordinance which rendered it non-conforming, shall not be increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring, to a safe condition, of any building, structure or part thereof declared to be unsafe by any official charged with protecting the public safety, except for the conditions as stated in Section 9.13, B, 3, b, or 9.13, C, 2, b.

E. NON-CONFORMING SIGNS:

1. CONTINUANCE: Except as herein provided, any lawful non-conforming sign existing at the time of adoption of this ordinance, may be continued provided, however, that no such sign shall be changed in any manner unless it is changed in compliance with all provisions of this ordinance.
2. TERMINATION: In all cases the board of adjustments shall hold a public hearing in accordance with the applicable requirements of Section 18.2 of this ordinance. Following that hearing, the board may terminate the right to operate a non-conforming sign based on any of the following conditions and, if the decision is to do so, the board shall state its bases, in writing, for such determination.
 - a. Not meeting the requirements for sign regulations, as regulated in Article 14 of this ordinance;
 - b. Nonuse or abandonment of said non-conforming sign for a period of twelve (12) consecutive months.
3. ZONE CHANGE: The foregoing provisions shall also apply to signs, which become legally non-conforming due to zone changes, which take place thereafter.

SECTION 9.14 EXCEPTIONS AND MODIFICATIONS:

A. EXCEPTIONS TO HEIGHT LIMITS:

1. The height limitations of this ordinance shall not apply to such things as: church spires, various types of towers, smoke stacks, other related structures and necessary mechanical appurtenances, etc. provided their construction is in accordance with existing or hereafter adopted ordinances of the city, and is acceptable to the Federal Aviation Agency and the Federal Communication Commission.

B. OTHER EXCEPTIONS: Service stations shall be so constructed that the centerlines of the pumps shall be at least twenty-five (25) feet from any street right-of-way line.

C. FRONT YARD VARIANCE:

1. Where the average depth of existing front yards within three hundred (300) feet of the lot in question and within the same block front, is greater than the minimum front yard depth required by this ordinance, the required minimum front yard depth on such lot shall be modified to be the average depth of said existing front yards.

2. In any residential zone, no front yard shall be required to exceed the average depth of existing front yards on the same side of the street within the same block, when fifty-one (51) percent or more of lots within that block are improved with residential buildings; provided that in no case shall a front yard depth be less than twelve (12) feet.

SECTION 9.15 CONDITIONAL USES:

- A. DETERMINATION: Subject to the requirements of Section 18.7, the board of adjustments may authorize a conditional use to be located within any zone in which such conditional use is permitted, if the evidence presented by the applicant is such as to establish beyond any reasonable doubt:
 1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community; and
 2. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
- B. CONDITIONAL USE PERMITS: In accordance with KRS 100.237, the board of adjustments shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named herein which may be suitable only in specific locations in the zone only if certain conditions are met:
 1. The board of adjustments may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. In addition, said conditional use permit shall be recorded in the office of the county clerk and one copy of said permit attached to the deed for the property for which it is issued. The board shall have power to revoke conditional use permits, or variance for noncompliance with the condition thereof. Furthermore, the board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in persona for such cost.
 2. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this ordinance, the building code, housing code, and other regulations of the county.
 3. In any case where a conditional use permit has not been exercised within the time limit set by the board or within twelve (12) consecutive calendar months from date of issuance, such conditional use permit shall not revert to its original designation unless there has been a public hearing. Exercised as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or

other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

4. The Zoning Administrator shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permits. If the landowner is not complying with all of the conditions listed on the conditional use permit, the zoning administrator shall report the fact in writing to the chairman of the board of adjustments. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time it is furnished to the chairman of the board of adjustments. The board shall hold a hearing on the report within a reasonable time. Notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the board of adjustments finds that the facts alleged in the report of the zoning administrator are true and that the landowner has taken no steps to comply with time between the date of the report and the date of the hearing, the board of adjustments may authorize the zoning administrator to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.
5. Once the board of adjustments has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the zoning administrator, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the county clerk, as required in KRS 100.344. Thereafter said use, if it continues to meet the other requirements of this ordinance, will be treated as a permitted use.

SECTION 9.16 BUILDING REGULATIONS AND WATER AND SANITARY SEWER SERVICE:

- A. **BUILDING REGULATIONS:** All structures shall be designed, erected, or altered in accordance with the legislative body's housing and building codes.
- B. **WATER AND SANITARY SEWER SERVICE:** No residence may be constructed in any zone on one acre or less unless such building is connected to adequate water and sanitary sewer system of adequate capacity and design, and approved by proper authorities. Where existing buildings are presently not served by a public sanitary sewer system and are located within a reasonable distance of an existing or newly extended sanitary sewer line, as determined by the legislative body and/or the Grant County Board of Health, said

building shall be required to connect with the public sanitary sewer system and the private sewage disposal system shall be prohibited.

SECTION 9.17 MOVE AND SET:

- A. **REQUIREMENTS:** No manufactured home or permanent structure which requires inspection shall be moved or set from or upon land located in any area or transported upon any public street, in the legislative body, until and unless both: (1) a building permit to move and set; and (2) a transport permit, have been obtained.
- B. **COMPLIANCE:** All buildings, structures, and improvements shall comply with the legislative body's housing and building code, and all other applicable codes and regulations.
- C. **PROCEDURE-PERMITS:** The applicant shall submit to the building inspector, the following:
1. An application for a building permit requesting an inspection of the building, structure, or improvement to be moved or set;
 2. A plot plan, footing and foundation plan, and construction plans for any new construction;
 3. A statement from the applicable legislative body(s) insuring that all past and current taxes have been paid.
 4. Upon receipt of the foregoing items, the building inspector shall inspect said building, structure, or improvements, and the proposed location where same will be set within the legislative body and determine if the proposed development will comply with all applicable codes and regulations.
 5. The move and set shall be referred to the zoning administrator for approval or denial of compliance with this ordinance.
 6. Upon approval by the zoning administrator and building inspector, a building permit to move and set shall be issued.
 7. No building permit to move and set shall be issued until the applicant has first obtained the necessary permits from the telephone company, public utilities companies, railroad companies, and the Kentucky Department of Transportation, and the county road supervisor and police department, whichever are applicable.
- D. **FEES**
1. There will be a building investigation fee as established by the legislative body to cover the costs of investigation and inspection for determining the structural soundness of buildings, structures, or improvements to be moved, the fee is payable in advance and must accompany the application provided for herein. The inspection shall determine what will be necessary to bring buildings, structures, or improvements into compliance with all applicable codes and regulations should the building not comply. This fee is not returnable. If buildings, structures, or improvements are found to be in compliance with the legislative body's applicable codes and regulations a building permit to move and set will be issued and the fee

will be based on the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location. This fee is in addition to the building investigation fee.

SECTION 9.18 SCREENING AREA:

Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.

- A. **SCREENING AREA REQUIREMENTS:** All screening areas shall be approved by the zoning administrator (or planning commission, where required by this ordinance) according to a submitted site plan as regulated by the applicable requirements of Section 9.20 of this ordinance. Screening areas shall be designed, provided, and maintained according to the following:
1. Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases additional screening may not be required, provided that provision is made for maintenance of such condition to the satisfaction of the city (county).
 2. Wherever screening is required in this ordinance, all trees shall be evergreen, chain link fence with slats or fabric or opaque fence.
 3. All trees shall be a minimum of eight (8) feet in height when planted, unless otherwise required according to the submitted site plan and must remain alive for a period of twelve (12) months after planting.
 4. All hedges shall be a minimum of three (3) feet in height when planted unless otherwise required according to the submitted site plan.
 5. All trees, shrubs, and other planting materials shall be living plants (not artificial) and shall be suitable to the Northern Kentucky Area and the specific conditions of the site in question, such as but not limited to, soil conditions, slopes, reduction of noise pollution, maintenance necessary, and the type of screening needed. The Legislative Body may require review of the proposed screening plan from the U.S. Soil Conservation Service, the applicable County Agricultural Extension Service.
 6. Screening areas are to be provided within the required minimum yard setbacks as required in each district's regulations. In the case where property is located adjacent to another governmental jurisdiction, screening requirements shall be the same as if the zone in the adjacent legislative body (or a zone containing the most similar types of permitted uses as provided herein) were located within this legislative body.
 7. In the case where a zoning map change occurs resulting in adjacency to a different zoning district than was previously the case, and where development has already occurred on property in the unchanged district, required additional setbacks and screening requirements (as required in each district's regulations shall be provided for the property in the district where the zone change occurred.

SECTION 9.19 OUTDOOR SWIMMING POOLS:

A. PRIVATE SWIMMING POOLS: All private swimming pools shall be regulated according to the following requirements;

1. Swimming pools shall be permitted to locate only to the rear and side of the principal permitted use. No swimming pool or associated equipment shall be permitted within any required yards, nor within any public utility right-of-way easement, except that swimming pools may be permitted to extend into the minimum rear yard, provided that they are setback twenty (20) feet from the rear lot line.
2. Swimming pools which are constructed in-ground shall be required to have a fence or wall, including a self-closing or self-locking door or gate around the pool or the property on which the pool is located. Such fence or wall shall be at least four (4) feet, but not more than seven (7) feet in height (only classes 1, 3, 4, or 5 fences are permitted, as regulated in Article 13 of this ordinance); such fences or walls shall be constructed in such a manner that a small child may not reach the pool from the street or any adjacent property without climbing the fence or wall or opening the gate or door.
3. Swimming pools, which are located above ground, shall be required to have a fence or wall, including a self-closing or self-locking door or gate around the pool or property upon which the pool is located. Such fence or wall shall be at least four (4) feet, but not more than seven (7) feet in height (only classes 1, 3, 4, and 5 are permitted as regulated by Article 13 of this ordinance). Such fence or wall shall be constructed in such a manner that a small child may not reach the pool from the street or any adjacent property without scaling a fence or wall or opening the gate or door. Said wall may be the wall of the above ground pool providing that said wall is at least four (4) feet in height above the surrounding ground level. Any access to above ground pools by means of a ladder or stairway shall be provided with a self-closing or self-locking door or gate, or some other device that would prevent a small child from gaining access to the pool by means of a ladder.
4. A zoning permit must be obtained before the construction or instillation of a swimming pool shall begin.

B. PROVISION AND MAINTENANCE: Required screening areas shall be provided as a condition of development by the owner and/or developer. All required screening (including the planting of trees and other vegetation) shall be maintained by the property owner.

C. INCLUSION ON SITE PLAN AND/OR SUBDIVISION IMPROVEMENT

DRAWINGS: Areas to be set aside as screening areas shall be identified on the required site plans, as regulated in Section 9.20, and where applicable, on the improvement drawings as regulated by the subdivision regulations. Sufficient bond, adequate to cover the required improvements as determined by the city (county) may be required to be posted. It shall be unlawful to occupy any premises unless the required screening has been installed in accordance with the requirements as provided herein.

1. Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.
2. All swimming pools and associated equipment shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the city (county). Water used in the swimming pool which is obtained from other than a public source, shall be approved by the Grant County Health Department.
3. All swimming pools existing at the time of adoption of this ordinance which are unprotected by a surrounding fence or wall, including gates or doors, as regulated herein, shall be required to comply with the provisions of this ordinance section within sixty (60) days after its adoption.

D. PUBLIC, SEMI-PUBLIC AND COMMERCIAL SWIMMING POOLS: All public, semi-public, and commercial swimming pools shall be regulated according to the following requirements:

1. Except as herein provided, no swimming pool and associated equipment shall be permitted within any front yards or within the limits of any public utility right-of-way easement.
2. The swimming pool or the property on which the pool is located shall be surrounded by a fence or wall, including a self-closing or self-locking door or gate (only classes 1, 3, 4, and 5 fences are permitted, as regulated by Article 13 of this ordinance). Such fence or wall shall be at least five (5) feet in height, but not exceeding the height as permitted herein, and of such construction that a small child may not reach the pool from the street or from adjacent property without climbing the wall or fence or opening a door or gate.
3. Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.
4. Water used in the operation of the swimming pool, which is obtained from a public source, shall be approved of by the Grant County Health Department.
5. No mechanical device for the reproduction or amplification of sounds used in connection with swimming pools shall create a nuisance to adjacent residential properties.
6. All swimming pools and associated equipment of the swimming pool shall be constructed and erected in accordance with all applicable codes, ordinances and regulations of the legislative body and shall be required to submit a site plan in accordance with Section 9.20 of this Ordinance.

SECTION 9.20 SITE PLAN REQUIREMENTS:

No building shall be erected or structurally altered nor shall any grading take place on any lot or parcel in zones where a site plan is required, except in accordance with the regulations of this section and an approved site plan as hereinafter required. Before a

permit is issued for construction one copy of the site plan of the area at a scale no smaller than one (1) inch to one hundred (100) feet shall be filed with the Grant County Planning Commission and one (1) copy with the building inspector and the zoning administrator. The site plan shall identify and locate, where applicable, and the information as listed in Section 9.21, B—Stage II plan requirements.

All such site plans shall be reviewed by the Grant County Planning Commission through their Engineer, and the factual determination approving or rejecting such plans shall be made in accordance with requirements of this and other applicable sections of this ordinance, and the comprehensive plan for Grant County.

All site plans approved shall be binding upon the applicants, their successors and assigns and shall limit the development to all conditions and limitations established in such plans.

Amendments to plans may be made in accordance with the procedure required by this ordinance subject to the same limitations and requirements as those under which such plans were originally approved.

After final approval, the subject area may be developed in phases, provided all of the procedures required by the Grant County Planning Commission have been complied with.

For areas of development that do not exceed one-half (0.5) of an acre, the zoning administrator may waive requirement of Section 9.20-9.21.

SECTION 9.21 PLAN REQUIREMENTS - STAGES I, II AND RECORD PLAT:

A. STAGE I—PLAN REQUIREMENTS: The Stage I Plan shall identify and provide the following information:

1. Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
 - a. The total area in the project;
 - b. The present zoning of the subject property and all adjacent properties;
 - c. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned.
 - d. Existing topography, and approximate delineation of any topographical changes shown by contour with intervals not to exceed twenty (20) feet;
 - e. Delineation of all existing and proposed residential areas in the project with a statement indicating net density of the total project:
 - (1) Detached housing - location and approximate number of lots, including a typical section(s) identifying approximate lot sizes and dimensions, and setback and height of buildings.
 - (2) Attached housing - location and description of the various housing types (i.e., townhouse, four-plex, garden apartment, etc.) including approximate

heights of typical structures, and the approximate number of units by housing type.

- f. Delineation of all existing and proposed nonresidential uses in the project:
 - (1) Commercial uses - location and type of all uses including approximate number of acres, gross floor area and heights of buildings.
 - (2) Open-Space-Recreation - The approximate amount of area proposed for common open space, including the location of recreational facilities, and identification of unique natural features to be retained.
 - (3) Other public and semi-public uses - location and type of all uses, including approximate number of acreage, and height of buildings.
- g. Location of proposed pedestrian walkways, identifying approximate dimensions.
- h. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades.
- i. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes. Indication should also be given regarding the provision of electric and telephone service.
- j. Certification from appropriate water and sewer agencies that services will be available.
- k. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed methods of handling said problems.
- l. Other information that may be determined necessary for description and/or to insure proper integration of the proposed project in the area.
- m. A schedule of development, including the staging and phasing of:
 - (1) Residential area, in order of priority, by type of dwelling unit;
 - (2) Streets, utilities, and other public facility improvements, in order of priority;
 - (3) Dedication of land to public use or set aside for common ownership;
 - (4) Nonresidential buildings and uses, in order of priority.

The aforementioned information required may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.

B. STAGE II—PLAN REQUIREMENTS: The Stage II Plan shall conform to the following requirements.

- 1. Plan(s) of the subject property drawn to a scale of not smaller than one (1) inch equals one hundred (100) feet, that identifies and provides the following information:
 - a. The existing and proposed finished topography of the subject property shown by contours with intervals not to exceed twenty (20) feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five (5) feet may be required by the planning commission.
 - b. All housing units on the subject property:

- (1) Detached housing - Location, arrangement, and number of all lots, including lot dimensions and setbacks, and maximum height of buildings;
 - (2) Attached housing - Location, height, and arrangement of all buildings indicating the number of units in each building, and, where applicable, location, arrangement and dimensions of all lots.
- c. Location, height, arrangement and identification of all non-residential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions.
- d. Location and arrangement of all common open space areas, and recreational facilities, including lot dimensions. Methods of ownership and operation and maintenance of such lands shall be identified.
- e. Landscaping features, including identification of planting areas and the location, type and height of walls and fences.
- f. Location of signs indicating their orientation and size and height.
- g. All utility lines and easements:
 - (1) Water distribution systems, including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
 - (2) Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances.
 - (3) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property.
 - (4) Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements.
- h. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces.
- i. Circulation System:
 - (1) Pedestrian walkways, including alignment, grades, type of surfacing and width.
 - (2) Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections.

- j. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.
- k. A schedule of development, including the staging and phasing of:
 - (1) Residential area, in order of priority, by type of dwelling unit;
 - (2) Streets, utilities, and other public facility improvements, in order or priority;
 - (3) Dedication of land to public use or set aside for common ownership;
 - (4) Nonresidential buildings and uses, in order of priority.

The aforementioned information required may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

C. RECORD PLAT REQUIREMENTS:

The applicant shall submit a Record Plat, in conformance with the Stage II approved plans. If the Record Plat is submitted in sections, an index shall be developed showing the entire plan area. The particular number of the section, and the relationship of each adjoining section shall be clearly shown by a small key map on each section submitted. The Record Plat shall conform to the applicable requirements of the subdivision regulations, unless specifically waived by the planning commission.

SECTION 9.22 REGULATIONS CONCERNING AIR RIGHTS:

Any proposed use of air rights as defined herein, shall be in the form of a site plan (as regulated in Section 9.20 of this ordinance) submitted to the planning commission, or its duly authorized representative, for its review.

SECTION 9.23 REGULATIONS CONCERNING DESIGN AND CONSTRUCTION OF IMPROVEMENTS:

Any proposed development requiring the construction of streets (including curb and gutters) sidewalks, sewers (sanitary & storm) water lines or other improvements, which does not constitute a subdivision, as herein defined, shall be required to be designed and constructed in accordance with the applicable articles and sections of the Subdivision Regulations, unless specifically waived.

SECTION 9.24 REGULATIONS PERTAINING TO PARKING OR STORING OF OR STORING IN TRAILERS, CAMPERS, INOPERABLE VEHICLES, AND OTHER SUCH TYPE EQUIPMENT:

- A. No inoperable motor vehicle (automobiles, buses, trucks, etc.) or uninhabitable manufactured or mobile home, shall be stored on any lot in any zone beyond thirty (30) days unless it is in a completely enclosed building. This shall apply to all vehicles in need of major repair.
- B. It shall be unlawful for any person(s) to establish permanent residency in any boat, automobile, camper, truck or uninhabitable manufactured/mobile home within the jurisdiction of the legislative body.

- C. The outside storage of any recreational vehicle, camper, or boat, shall be restricted to the rear yards of all lots within the jurisdiction of the legislative body, except as herein provided and in cases where, due to unique conditions, topographic or other, which do not allow use of the rear yard, the Board of Adjustment may permit such storage on another part of the lot, excluding the front yard, provided the area is properly screened from view, when determined necessary by the board, according to the requirements of this ordinance. Mobile homes, manufactured home or similar type equipment, not used for habitation or permanent residence, shall not be stored on any lot within the jurisdiction.
- D. The use of trailers, campers, mobile homes and/or manufactured homes, inoperable vehicles and other such type equipment or for storage is strictly prohibited in any zone.

SECTION 9.25 HILLSIDE DEVELOPMENT CONTROLS:

- A. This section is designed to ensure, when development is proposed in those areas of the community which have physical characteristics limiting development (hillside slopes of 15 percent or greater) that said development shall occur in a manner harmonious with adjacent lands so as to minimize problems of draining, erosion, earth movement, and other natural hazards.
- B. Areas of land on which development is physically restricted due to excessive hillside slopes shall be limited according to the following requirements:
 - 1. Development proposed on land areas which have slopes of 15 percent or greater shall require approval before development may occur.
 - 2. No excavation, removal or placement of any soil, foundation placement, or construction of buildings, or structures of any nature within the area identified above, may occur until plans and specifications for such work have been submitted in the form of a site plan as regulated by Section 9.19 of this ordinance. In addition to site plan requirements, the following shall also be submitted:
 - a. Plan(s) which show existing topography and the proposed physical changes necessary for construction, indicating grading (cutting and filling) compaction, erosion sedimentation basins, areas to be defoliated, and any other pertinent information which will change the natural physical features of the site or general area.
 - b. Information defining results of subsurface investigation of the area under consideration, including test borings, laboratory tests, engineering tests, and a geological analysis. Such investigation shall be made by a qualified, registered civil engineer and a geologist, indicating that any structural or physical changes proposed in the area will be completed in a manner which will minimize hillside slippage and/or soil erosion.
 - 3. The site plan and other information required in this Section shall be reviewed by the county engineer, who will recommend to the legislative body, or its duly authorized representative, what effect the proposed development will have on hillside slippage and/or soil erosion. After consideration of the recommendations, the legislative body, or its duly authorized representative, may authorize use of the site in accordance with the submitted plans.
 - 4. If, after review of the plans required by this section of the ordinance, the legislative body or its duly authorized representative, determines that said proposed plans will not minimize hillside slippage, the legislative body shall deny a permit for the development of said land.

SECTION 9.26 GENERAL MANUFACTURED HOME REGULATIONS:

For the purposes of this ordinance, manufactured homes are defined and regulated as follows; a single-family residential dwelling unit constructed in accordance with the Federal Manufactured Housing Construction and Safety Standards, after June 15, 1976, in an off site manufacturing facility. The Manufactured Home intended for installation or assembly at the building site as a permanent Structure with transport features removed, bearing a seal certifying that it is built in compliance with Federal Manufacturing Housing Construction and Safety Act standards. It also includes housing built away from a building site in two (2) or more sections or modules, commonly known as a modular home.

Also, for the purpose of this ordinance, the term mobile home shall mean a Structure for residential use constructed prior to July 15, 1976, being the effective date of the Federal Manufactured Housing Construction and Safety Act Standards (Title 42 of the United States Code), and transportable which is built on its own chassis and designed with, or without, a permanent foundation for year-round living when connected to the required utilities. It can consist of one or more sections that can be telescoped when towed and expanded later for additional capacity or of 2 or more sections separately towable designed to be joined into one integral unit. As used herein, Mobile Home shall include a house trailer, but shall not include camping trailer, travel trailer, recreational vehicle, pickup coach or auto camper and such use is prohibited in any applicable zone.

- (1) Shall be certified by the Manufactured Home Manufacturers Association and the Kentucky Department of Housing, Building and Construction as meeting all Federal and Kentucky Construction and Safety Standards, (herein called “construction and safety standards
- (2) Shall be installed in accordance with the following requirements (herein called “acceptable installation standards”);
 - (a) It shall be permanently attached and installed on a permanent foundation in accordance with the manufacturers installation specifications, which installation specification shall have been approved by the United States Department of Housing and Urban Development, and in accordance with the local building code applicable to single-family dwellings;
 - (b) All wheel, trailer-tongue and hitch assemblies shall be removed prior to installation;
 - (c) It shall be permanently connected to an approved water and sewer system and shall comply with all public health requirements governing plumbing installations; and
 - (d) When installed, meets all of the following standards (herein called “acceptable appearance standards;”) designed to achieve acceptable similarity in appearance between the manufactured home and the site-built home in this community:

- (e) A poured concrete or masonry block skirting wall shall be constructed beneath and along the entire perimeter of the manufactured home, even if said wall is not structurally required by the manufacturer's installation standards, or shall be enclosed with some material such as concrete block, corrugated metal, or other durable and factory approved material.
- (f) The roof shall have a pitch and be constructed of roofing materials acceptable under, and installed in accordance with, the local code applicable to single-family dwellings.
- (g) All exterior walls shall be constructed of non-reflective siding materials, which will have the appearance of wood or masonry, regardless of their actual composition, and shall be applied in accordance with the local building code applicable to residential construction.

The following regulations shall also apply to all manufactured homes located individually or in an approved manufactured home park. Requirements of the zone in which said manufactured homes are permitted shall also apply:

- A. The manufactured home shall, at a minimum, be equipped with plumbing and electrical connections designed for attachment to appropriate external systems.
- B. All health, sanitation (including sewers and/or private secondary sewage treatment plants) approved by the Grant County Health Department and safety requirements applicable to a conventional dwelling, shall be equally applicable to a manufactured home.
- C. The manufactured home shall be set and adequately anchored on a concrete or hard surfaced slab in accordance with the Kentucky Manufactured Home and Recreational Vehicle Park regulations and the open space between the ground and the floor of the manufactured home shall be enclosed with some material such as concrete block, corrugated metal, or other durable and factory approved material.
- D. Any person, firm, or corporation desiring to locate a manufactured home shall apply for a zoning/building permit, and an occupancy permit (excluding RMHP). Applicable permits must be approved prior to the installation and occupancy of any manufactured home in any zone. The proper permits must be displayed in a conspicuous location in each manufactured home, signifying that all permits have been approved by the building inspector and zoning administrator.
- E. All manufactured homes must have the following:
 - a. Driveway (gravel or paved)
 - b. Approved Foundation
- F. Only one manufactured home permitted per lot with the exclusion of RMHP.

SECTION 9.27 LAND USED SOLELY FOR AGRICULTURAL PURPOSES:

Any land which is used solely for agricultural, farming, dairying, stock raising, or similar purposes (exclusive of land and building used for residences, which shall require building

permits, except as herein provided) shall have no regulations imposed as to, height, yard location or requirements for agricultural buildings, except that:

- a. Setback lines shall be required for the protection of existing in which the use is located.
- b. That all buildings or structures in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters shall be in accordance with this ordinance.
- c. Any agricultural structures, such as barns or sheds, shall be required to be placed to the rear of any residential dwelling unit located on the property.

SECTION 9.28 ANTI-MONOTONY CODE:

No building permit shall be issued for the construction within Grant County from and after ninety (90) days following the effective date of this text amendment for any new single family detached dwelling unit which is similar in appearance to any dwelling unit on the same street which is within two (2) lots distance of it nor in cul-de-sac turnarounds which is similar in appearance to another. For the purpose of this regulation, “similar in appearance” shall mean a dwelling which is identical, or nearly identical, to another in any four (4) of the following characteristics:

1. Roof type (gable, hip, mansard, flat, combination);
2. Roof height;
3. Approximate dimensions (height and length) of the front wall closest to the front wall closest to the front lot line;
4. Shape of the front elevation silhouette;
5. Relative locations and sizes of windows in the front door elevation;
6. Relative locations and dimension of garage door(s), if included on the front elevation;
2. Type(s) of siding (e.g. brick veneer, lapped horizontal siding, half-timber, board and batten, shakes, etc.) on the front elevation.

If adjacent lots as defined herein in this regulation contain different housing styles as herein described, the previously delineated similarity standards do not apply. Housing style is one and of itself a significant enough characteristic to constitute dissimilarity. Housing style shall consist of the following six (6) categories: Ranch, bi-level, tri-level, one and half story, two story and three story.

If the Building Inspector of Grant County or a person acting in that capacity finds that a dwelling for which a building permit is being requested is similar in appearance to a dwelling for which a permit has previously been issued within two (2) lots distance and facing the same street the building officer shall deny the permit request for non-compliance with this ordinance.

An application for a building permit which has been denied a building permit based upon the provision of this regulation may:

1. Alter the dwelling plans so that the proposed dwelling is no longer similar to another adjacent dwelling according to the criteria specified herein;
2. Appeal the decision to the Board of Adjustments.

EXCEPTIONS:

1. This regulation shall not apply to dwellings for which building permits have been approved before the effective date of this text amendment, including dwellings that are being remodeled, reconstructed or replaced after damage by fire, windstorm or other casualty.
2. Subdivisions already in progress where such amendment would substantially alter the uniform character of the subdivision.
3. Houses not within subdivisions.
4. Cases where the applicant for a permit could not be expected to anticipate the design of a neighboring dwelling for which a permit has already been issued but is not under construction.
5. Apartment complexes, condominiums, residential planned unit developments in which similarity of architectural form and style among dwelling is integral to the success of a unified plan in which the high quality of building materials, building plans, and site plan details overcome the presumed deficiencies of similarity. In such cases, the developer shall request, and the building officer may grant, an exception for the ordinance as a condition of a planning unit development.

In any appeal of the interpretation of this ordinance by the building officer to the Board of Adjustments, the applicant for a permit shall present evidence sufficient to demonstrate compliance with this ordinance, such as architectural drawings, material specifications and similar items.

9.29 CONCEPT DEVELOPMENT PLANS:

The Planning Commission, as a condition to the approval of a zone change for zoning districts of residential, commercial or industrial; highly recommends that a Concept Development Plan be submitted. In accordance with the applicable provisions of Chapter 100 of the Kentucky Revised Statutes, this Concept Development Plan, when submitted and agreed upon, shall be followed and be binding as a requirement of the zone change or map amendment. However, an applicant does have the option of not submitting a Concept Development Plan for the Planning Commission's review and approval, although such zone change application will be reviewed from the perspective of a "worst case scenario" based upon the requirements and permitted uses of the zone in question.

If an applicant submits a Concept Development Plan and as a further condition to the approval of a zone change involving a Concept Development Plan, where substantial construction as determined by the Grant County Planning Commission is not initiated within two (2) years from the date of final approval by the applicable legislative body, such zoning change may revert to its original designation prior to the zone change after a public hearing and following the required procedure for a map amendment.

If an applicant decides to submit a Concept Development Plan, the Plan shall include the following minimum requirements. With certain types of developments, it may be beneficial to submit a Concept Development Plan that is more detailed or provides more information to the Planning Commission. Other applicable requirements are highly recommended for larger commercial and industrial types of developments, and large-scale residential developments to provide further support for approval of a Zone Change request.

Minimum Requirements

1. General Site Characteristics - ownership, topography, soils, drainage, vegetation and other physical characteristics;
2. Transportation Patterns - public and private roads and internal and external circulation patterns;
3. Land Use Characteristics - existing and proposed land uses, open spaces, impervious surfaces including streets, parking areas, structures and buildings (general description of size, area, intensities/densities, and height);
4. Utilities and Infrastructure;
5. Relationship of Proposed Zone Change with Comprehensive Plan - how specifically the proposed zone change would conflict, conform, compliment or otherwise affect the Comprehensive Plan as well as any special studies that are designed to further detail the Comprehensive Plan in a specific area."
6. An 8.5" by 11" or 8.5" by 14" reduction of the plan that can be copied on a standard photocopier.

9.30 COMPATIBILITY STANDARDS FOR QUALIFIED MANUFACTURED HOMES:

- A. PURPOSE: The purpose of compatibility standards for Qualified Manufactured Housing is:
 1. To permit local governments to adopt and enforce, as a part of its zoning regulations, compatibility standards governing the placement of qualified manufactured homes in residential zoning classification, within the local government's jurisdiction, designed to ensure that when a qualified manufactured home is placed in a residential zone, it is compatible, in terms of assessed value, with existing housing located immediately adjacent to (a) either side of the proposed site; (b) adjacent to the front and rear, or (c) within a one-eighth (1/8) mile radius or less from the proposed location of the qualified manufactured homes.
- B. APPLICATIONS: An application, provided for by the zoning administrator, must be submitted to the zoning administrator demonstrating that the compatibility standards set forth in subsection C. of this section, as well as all other regulations for the particular zoning classification the qualified manufactured home is

proposed to be constructed, moved, installed or relocated has met the requirements of all provisions of this Ordinance.

- C. REQUIREMENTS: The requirements for a qualified manufactured home to be placed as a permitted use in any residential zone are as follows:
1. The roof pitch shall be the same or greater than more than fifty (50%) percent of any single family residential structures adjoining the property location. In the absence of such a structure, the roof pitch shall be the same or greater than fifty (50%) percent of the total number of structures within a one-eighth (1/8) mile radius from the center of the proposed location. Under no circumstance shall the qualified manufactured home have a roof pitch of less than 4:1.
 2. The square footage shall be the same or greater than more than fifty (50%) percent of any single family residential structure adjoining the property location. In the absence of such a structure, the square footage shall be the same or greater than fifty (50%) of those structures within a one-eighth (1/8) mile radius from the center of the proposed location. Under no circumstance shall the qualified manufactured home have a square footage of less than nine hundred (900) square feet.
 3. The exterior of the qualified manufactured home shall be the same or of higher quality than more than fifty (50%) percent of any of the adjoining single family structures. In the absence of such a structure, the exterior shall be of the same quality or of greater quality than fifty (50%) of those structures within a one-eighth (1/8) mile radius from the center of the proposed location. Under no circumstance shall the qualified manufactured home have an exterior constructed of metal or aluminum.
 4. The foundation of a qualified manufactured home shall be placed on a permanent foundation, as defined in the Ordinance.
 5. A Qualified Manufactured Homes shall further meet all other requirements of KRS 100.348.
- D. PROCEDURE: The procedure for the an application for a qualified manufactured homes shall be in the same manner as Zoning Permits as required by Article 16 of this Ordinance. The procedure for the placement of a qualified manufactured home shall also include:
1. The application shall be reviewed for compatibility with architectural appearance and similarity with:
 - a. Adjacent Development or Surrounding developments
 - b. Developments within the same zoning classification or the general area
 - c. Any proposed development permitted in the same zoning classification or general area,
 2. The application shall provide information on compatibility with architectural appearance of properties located immediately adjacent to (a) either side of the proposed site; (b) adjacent to the front and rear, or (c) within a one-eighth (1/8) mile radius or less from the proposed location of the qualified manufactured homes based on the following criteria:

- a. Square footage of living space;
 - b. Siding or exterior;
 - c. Roof pitch; and
 - d. Setbacks.
- 3. The application shall provide information on compatibility with architectural appearance of properties located immediately adjacent to (a) either side of the proposed site; (b) adjacent to the front and rear, or (c) within a one-eighth (1/8) mile radius or less from the proposed location of the qualified manufactured homes based on the following criteria:
 - a. Building height;
 - b. Building width; and
 - c. Building depth.
- E. DENIAL: If any application for the placement of qualified manufactured home is denied, notice of such denial, and the reason for denial, will be given to the applicant in writing within thirty (30) days from the date of the application. All appeals of the zoning administrator shall be done in accordance with Article 18 of this Ordinance.
- F. Nothing in this section shall be construed to affect, modify or abolish restrictions contained in previous deeds, covenants or a developers' subdivision restriction recorded in the Grant County Clerks Office.

9.31 PLACEMENT OF LANDFILLS; EXPANSION OF LANDFILLS:

- A. PROPOSED PLACEMENT OF LANDFILL:
 - 1. PURPOSE: The purpose of establishing criteria for the placement of landfills within the community is to ensure that the placement, establishment, siting or expansion of such a land use does not adversely impact the health, safety and general welfare of citizens within the community.
 - 2. GENERAL REQUIREMENTS: Landfills, for the purpose of this Ordinance, shall be governed and adhere to all Federal, State and local Ordinances or Regulations applicable to the placement, establishment or siting of such a land use within the community proposing location within the jurisdiction of any legislative body of Grant County, Kentucky. For the purpose of this Ordinance, Landfills, as herein defined, shall be required to obtain a Conditional Use Permit, as prescribed in Article 18, Section 18.7 of this Ordinance, within the Industrial – Two (I-2) Zoning Classification.
 - 3. MINIMUM REQUIREMENTS: For the purpose of this Ordinance, Landfills shall meet the following minimum requirements with respect to area and setbacks as follows: (For the purpose of this Ordinance, all distance and area requirements shall be measured from the nearest point of the all property lines of the proposed location of a Landfill.)
 - a. Area requirements – Twenty-five (25) Acres.
 - b. Distance from the nearest Corporate City Limits – One (1) mile.
 - c. Distance to nearest property line: Two hundred fifty (250) feet.

- d. Distance to nearest residential structure (not located on the proposed site): Five Hundred (500) feet.
 - e. Distance to nearest Industrial structure (not located on the proposed site): One Thousand (1,000) feet.
 - f. Distance to nearest feature of Karst Terrain: Two Hundred fifty (250) feet.
 - g. Distance to nearest intermittent or perennial stream: Two Hundred Fifty (250) feet; unless quality certification has been issued pursuant to 401 KAR 5:029 through 401 KAR 5:031.
 - h. Distance to nearest water, gas or sewer line: Fifty (50) feet.
 - i. Distance to nearest unplugged well, except monitoring wells used by the proposed site: Five Hundred (500) feet.
4. APPLICATION AND PERMIT: Application shall be made to the local jurisdictions Board of Adjustments as prescribed in Article 18, Section 18.7 of this Ordinance. If the Conditional Use Permit is approved, there shall be an annual review of all conditions and requirements for the placement of such a facility by the Zoning Administrator or any duly authorized official of the Grant County 109 Board.

B. EXPANSION OF EXISTING LANDFILL:

- 1. PURPOSE: The purpose of establishing criteria for the expansion of existing landfills within the community is to ensure that the expansion of such a land use does not adversely impact the health, safety and general welfare of citizens within the community.
- 2. GENERAL REQUIREMENTS: Landfills, for the purpose of this Ordinance, shall be governed and adhere to all Federal, State and local Ordinances or Regulations applicable to the placement, establishment, siting or expansion of such a land use within the community proposing location within the jurisdiction of any legislative body of Grant County, Kentucky. For the purpose of this Ordinance, Landfills, as herein defined, shall be required to obtain a Conditional Use Permit, as prescribed in Article 18, Section 18.7 of this Ordinance, within the Industrial – Two (I-2) Zoning Classification.
- 3. MINIMUM REQUIREMENTS: For the purpose of this Ordinance, Landfills shall meet the following minimum requirements with respect to area and setbacks as follows: (For the purpose of this Ordinance, all distance and area requirements shall be measured from the nearest point of the all property lines of the proposed location or expanded location of a Landfill.)
 - a. Area requirements – Twenty-five (25) Acres.
 - b. Distance to nearest property line: Two hundred fifty (250) feet.
 - c. Distance to nearest residential structure (not located on the proposed site): Five Hundred (500) feet.
 - d. Distance to nearest Industrial structure (not located on the proposed site): One Thousand (1,000) feet.
 - e. Distance to nearest feature of Karst Terrain: Two Hundred fifty (250) feet.

- f. Distance to nearest intermittent or perennial stream: Two Hundred Fifty (250) feet; unless quality certification has been issued pursuant to 401 KAR 5:029 through 401 KAR 5:031.
 - g. Distance to nearest water, gas or sewer line: Fifty (50) feet.
 - h. Distance to nearest unplugged well, except monitoring wells used by the proposed site: Five Hundred (500) feet.
- 4. APPLICATION AND PERMIT: Application shall be made to the local jurisdictions Board of Adjustments as prescribed in Article 18, Section 18.7 of this Ordinance. If the Conditional Use Permit is approved to allow for the expansion of an existing Landfill, there shall be an annual review of all conditions and requirements for the placement of such a facility by the Zoning Administrator or any duly authorized official of the Grant County Board.